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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

DOCKETED 07/31/03

SERVED 07/31/03

ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Michael C. Farrar, Presiding Officer
Dr. Charles N. Kelber, Special Assistant

In the Matter of

CFC LOGISTICS, INC.

(Material License)

Docket No. 30-36239-ML

ASLBP No. 03-814-01-ML

July 31, 2003

ORDER

(Regarding Conference Call and NRC Staff Participation)

In this proceeding brought under Subpart L of the Commission's Rules of Practice, the Applicant CFC Logistics and the potential intervenors (certain named residents of Milford Township) have filed a number of pleadings related to such matters as the timing and service of the intervention papers, the standing of the prospective intervenors, and the relevance of the subjects they wish to raise. For its part, the NRC Staff has filed a notification, pursuant to 10 C.F.R. § 2.1213, of its election not to participate in the proceeding.

By this Order, the Applicant and the potential intervenors are advised that the Presiding Officer will be convening a telephone conference call, to be held next week, to plan further proceedings that would aid in the resolution of this matter. Counsel should be prepared to discuss, among other things, whether those proceedings should include any supplemental filings and/or an oral argument on the legal issues thus far raised.

Without making any decision at this point on whether the NRC Staff would be called upon to participate in any further proceedings that might ultimately be held herein, the Presiding Officer, exercising the authority conferred by 10 C.F.R. § 2.1213, has determined that the resolution of the preliminary issues of timeliness, service, standing and relevance would be aided materially by the Staff's participation in the telephone conference call and in any initial

oral argument that may be held. Accordingly, the Staff is DIRECTED to participate in the proceeding at least to that extent.

Licensing Board personnel will be contacting the three litigants shortly to determine a suitable time, during the week of August 4-8, for the telephone conference call. Counsel may wish to confer among themselves now to recommend mutually agreeable times for that purpose.

It is so ORDERED.

BY THE PRESIDING OFFICER

/RA/

Michael C. Farrar
ADMINISTRATIVE JUDGE

Rockville, Maryland
July 31, 2003

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION

In the Matter of)	
)	
CFC LOGISTICS, INC.)	Docket No. 30-36239-ML
QUAKERTOWN, PENNSYLVANIA)	
)	
(Materials License))	

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing LB ORDER (REGARDING CONFERENCE CALL AND NRC STAFF PARTICIPATION) have been served upon the following persons by U.S. mail, first class, or through NRC internal distribution.

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Docket No. 30-36239-ML
LB ORDER (REGARDING CONFERENCE CALL
AND NRC STAFF PARTICIPATION)

[Original signed by Nancy Greathead]

Office of the Secretary of the Commission

Dated at Rockville, Maryland,
this 31st day of July 2003